

GOVERNMENT OF ALBERTA TO REGULATE HEALTH CARE PRACTITIONERS ADMINISTERING PSYCHEDELICS

Posted on November 9, 2022

Categories: [Insights](#), [Publications](#)

On October 5, 2022, Alberta announced amendments (the “**Amendments**”) to the *Mental Health Services Protection Regulation* [1], which are expected to come into effect on January 16, 2023. The Amendments seek to implement a new framework in regulating and licensing health care providers in connection with administering psychedelics as part of treatment for mental health conditions. Over the last few years, psychedelics, including psilocybin, have experienced a renaissance in potential treatment of conditions such as treatment-resistant depression and end-of-life distress. The psychedelic compounds specifically incorporated in the Amendments include psilocybin, psilocin, MDMA, LSD, mescaline (peyote), DMT, 5 methoxy DMT and ketamine.[2]

Broadly, the Amendments will implement new requirements for psychiatrists, or physicians who are working in consultation with a psychiatrist, prescribing and administering psychedelics, other than for ketamine administered outside of the context of psychedelic assisted therapy. The new licensing framework will only apply to therapy used to treat mental health conditions, and does not extend to potential uses of psychedelics to treat physical disorders, including pain management.

As a reminder, psychedelics are regulated at the federal level under the *Controlled Drugs and Substances Act* (the “**CDSA**”). Activities related to controlled substances under the CDSA require licensing by Health Canada; however, patients may obtain access by way of an exemption under Health Canada’s special access programs or pursuant to Section 56 of the CDSA. It is worthy of note that the federal regime remains unchanged and still controls individuals’ access to psychedelics.

The development with respect to the Amendments can be viewed as a recognition that psychedelic assisted therapy has a place in health care offerings, and accordingly, the Government of Alberta has taken the steps to indicate a standard that medical practitioners must meet to provide the relevant care. The limited scope of the Amendments and the focus on mental health conditions and the role of psychiatrists could impact access by patients in a field which is still relatively nascent in Canada. As such, close attention should be paid to the effects of the implementation of the Amendments and whether there are any impacts on the regulatory framework on a federal level. Specifically, it will be important to see whether or not the federal regime evolves

on accessibility to psychedelics by individuals with mental health or physical conditions.

McMillan will continue to monitor developments to the industry and regulations as they arise.

[1] [Alberta Regulation 114/2021](#) [AB Reg].

[2] Part 3, AB Reg.

by [Sasa Jarvis](#), [Leila Rafi](#), [Julia Loney](#), [Anthony Labib](#), [Kiira Kaarid](#) (Articling Student)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2022